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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,775	01/22/2001	Osamu Fushimi	44471/252431 (13700)	8348

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EXAMINER

MCCLELLAN, JAMES S

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/766,775

Applicant(s)

FUSHIMI ET AL.

Examiner

James S McClellan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 7-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/20/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group I (claims 1-16) in the reply filed on 10/20/04 is acknowledged.

### *Information Disclosure Statement*

2. The information disclosure statement (IDS) submitted on 8/20/03 has been fully considered by the examiner as indicated by the attached signed PTO-1449.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,992,940 (hereinafter "Dworkin") in view of U.S. Patent No. 6,035,283 (hereinafter "Rofrano").

Regarding **claim 1**, Dworkin discloses an electric catalog aggregation apparatus comprising: a processing unit (1) to process catalog data into a prescribed format (see at least Figure 6 and column 6, lines 16-25); a e-catalog database (3); an extraction and conversion unit (also 1); and a delivery unit (5) for delivering catalogs to users through networks (see column 4,

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lines 3-12); [**claim 4**] formatting data based on each product classification (see column 9, lines 6-10); and [**claim 7**] company code data is attached to each product (see at least column 6, lines 44-50 and column 7, lines 25-60). Independent **claims 15 and 16** are rejected for reasons similar to apparatus claim 1.

Dworkin fails to explicitly disclose the use of managing “charge” data for each registered user (buyer and seller). Additionally, Dworkin fail to explicitly disclose the use of a buyer defined catalog format.

Regarding **claims 2-3**, the Examiner takes Official Notice that is old and well known for an intermediary to register and charge fees for brokering transactions between buyers and sellers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dworkin with registered users and charge management as is well known in the art, because intermediary provide a service to buyers and sellers and need a mechanism to profit from their service whereby charging fees to the buyers and/or sellers.

Regarding **claims 1, 5, 15, and 16**, Rofrano teaches the use of dynamic catalog formatting based on user preferences (see column 1, line 52-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dworkin with user defined catalog formatting as taught by Rofrano, because user defined formatting allows for better targeted sales strategies, wherein increasing the potential spending by the customer.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin in view of Rofrano as applied to claim 1 above, and further in view of U.S. Patent No. 6,687,710 (hereinafter “Dey”).

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Regarding **claim 6**, Dworkin/Rofrano disclose all the claimed elements as set forth above but fail to disclose the use of detecting missing data from the catalog and collecting the missing data from another party.

Dey teaches the use of detecting missing data from the catalog and collecting the missing data from another party (see column 9, lines 40-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dworkin/Rofrano with missing data detection taught by Dey, because identifying and collecting missing data allows the catalog to be more complete and provide additional products and services that will lead to more potential transactions for the seller.

6. Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin in view of Rofrano as applied to claim 1 and 7 above, and further in view of Japanese Patent Publication 10-261016 (hereinafter "JP '016").

Regarding **claims 8-14**, Dworkin/Rofrano disclose all the claimed elements as set forth above but fail to disclose allowing the buyer to check and monitor the credit of a seller.

JP '016 (see Abstract) teaches the use of allowing the buyer to check and monitor the credit of a seller.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dworkin/Rofrano with seller credit checks taught by JP '016, because a credit check allows the buyer to fully consider the financial condition of the seller, wherein providing the buyer with the ability to determine if they want to do business with the seller.

The Examiner takes *Official Notice* that it is old and well known to charge for credit checks.

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*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Geier, King, Greef and Matsushita are cited of interest for disclosing a e-catalog systems.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703) 308-5183.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

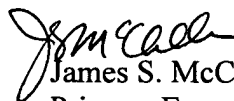
Any response to this action should be mailed to:

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Washington D.C. 20231

or faxed to:

(703) 872-9306 (Official communications) or  
(703) 746-3516 (Informal/Draft communications).

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, VA, 7<sup>th</sup> floor receptionist.

  
James S. McClellan  
Primary Examiner  
A.U. 3627

jsm  
January 6, 2005